IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6153 OF 2005.

Nashik Education Society. ... Petitioner.
V/s.
Shri Dilip Kashinath Pawar
and others. ... Respondents.

R.N.Haridas i/b. P.N.Joshi for the petitioner.

Hemant Ghadigaonkar i/b K.Y.Mandlik
for respondent No.1.

M.H.Solkar, A.G.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 25th November 2005.

P.C.:

. Heard learned counsel for the petitioner.

2. This petition is filed at the instance of the petitioner-Management. Having seen the impugned order, the School Tribunal was perfectly justified in critising the Management that they did not produce any material before it to show that respondent No.1 was surplus. Even today, there is no material before this Court to find out what was the strength of the cadre of Peon; how many posts were filled in and how many of them were reserved and open. It was for the petitioner to produce relevant data before the Court to appreciate the contention raised. This material was well within the knowledge of the management of

the petitioner society. The very fact that the petitioner did not produce this material before the Court suggests that it does not help the contention raised by the petitioner.

3. In view of the above, no fault can be found with the impugned order of the School Tribunal. The petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA, J.)